

RESOLUTION NO. 2013- 334

**RESOLUTION OF THE TOWNSHIP OF OCEAN, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE MAKING OF AN APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 40A:2-26, 40A:2-11(c) and 58:11B-9(a)**

**WHEREAS**, as a result of the effects of Superstorm Sandy, the Township of Ocean, in the County of Ocean, State of New Jersey (the "**Township**") filed an application with the New Jersey Department of Environmental Protection ("**NJDEP**") and the New Jersey Environmental Infrastructure Trust (the "**Trust**") for financing one clean water project involving the purchase and installation of two (2) new moveable emergency generators for existing sanitary sewer pumping stations in the Township under the 2015 New Jersey Environmental Infrastructure Financing Program (the "**2015 NJEIF Program**"), which project supports compliance by the Township with the clean water regulations of the State of New Jersey and will provide resiliency against such damage in the future (the "**2015 Clean Water Project**"); and

**WHEREAS**, the Township intends to issue to the Trust and NJDEP either its general obligation bonds or notes in a maximum aggregate principal amount of **Three Hundred Thousand Dollars (\$300,000)**, which amount shall be sufficient to pay the costs of the 2015 Clean Water Project and the associated costs of issuance of such bonds or notes (the "**2015 Clean Water Obligations**"); and

**WHEREAS**, N.J.S.A. 58:11B-9(a) requires a municipality to make written application to the Local Finance Board for its review and/or approval for all bonds issued to the Trust and NJDEP by the local government unit; and

**WHEREAS**, the loans from the Trust and NJDEP to the Township under the 2015 NJEIF Program will require a level maturity schedule over the life of such loans; and

**WHEREAS**, the Township Committee, as the governing body of the Township, has determined that the limitations as to maturities or amounts of annual installments under N.J.S.A. 40A:2-26 will adversely affect the financial position of the Township in connection with the issuance of the 2015 Clean Water Obligations; and

**WHEREAS**, N.J.S.A. 40A:2-26 authorizes a municipality to make written application to the Local Finance Board for its review and/or approval of a proposed non-conforming debt service schedule; and

**WHEREAS**, the Township Committee also desires to request a waiver of the down payment requirement in connection with the issuance of the 2015 Clean Water Obligations pursuant to the provisions of N.J.S.A. 40A:2-7(h) and 40A:2-11(c), as the 2015 Clean Water Obligations are being issued for purposes that are self-liquidating as described in N.J.S.A. 40A:2-45; and

**WHEREAS**, the Township Committee has determined that it is in the best interest of the Township and the inhabitants thereof to submit such a written request to the Local Finance Board to allow the use of a non-conforming debt service schedule and waiver of the down payment requirement in connection with the issuance of the 2015 Clean Water Obligations.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF OCEAN AS FOLLOWS:**

**Section 1.** The use of a non-conforming debt service schedule and a waiver of the down payment requirement in connection with the issuance of the 2015 Clean Water Obligations pursuant to the provisions of N.J.S.A. 40A:2-7(h) and 40A:2-11(c) as the 2014 Clean Water Obligations are being issued for purposes that are self-liquidating as described in N.J.S.A. 40A:2-45 are hereby approved by the Township Committee. The application to the Local Finance Board setting forth the requested non-conforming debt service schedule and waiver of the down payment requirement on the 2015 Clean Water Obligations is hereby approved, and the Township's Bond Counsel and Auditor, along with other representatives of the Township, are hereby authorized to prepare and file such application and to represent the Township in all matters pertaining thereto.

**Section 2.** The Clerk of the Township is hereby directed to prepare and file a copy of the proposed Resolution with the Local Finance Board as part of such application.

**Section 3.** The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statute.

**Section 4.** This Resolution shall take effect immediately.

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TINA WETTER, MAYOR

APPROVED: November 14, 2013

ATTEST:

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Diane B. Ambrosio, RMC, Township Clerk

**CERTIFICATE**

I, Diane B. Ambrosio, RMC, Township Clerk of the Township of Ocean, in the County of Ocean, New Jersey, HEREBY CERTIFY, that the foregoing copy of the Resolution of the Township Committee duly adopted on November 14, 2013, has been compared by me with the original Resolution as officially recorded in my office in the Minutes Book of the governing body and is a true, complete and correct copy thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Township this 15<sup>th</sup> day of November, 2013.

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Diane B. Ambrosio, RMC, Township Clerk

[SEAL]

Certified to be a true copy of a Resolution  
adopted by Township Committee on November 14, 2013.

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Diane B. Ambrosio, RMC, Township Clerk